



FREEDOM OF INFORMATION REQUEST



Request Number: F-2018-02719

Keyword: Complaints/Discipline

Subject: Police Discipline and Suspensions

Request and Answer:

Your request for information below has now been considered. In respect of Section 1(1)(a) of the Freedom of Information Act 2000 (FOIA) I can confirm that the Police Service of Northern Ireland does hold the information you have requested however it is estimated that the cost of complying with your request for information would exceed the “appropriate costs limit” under Section 12(1) of the Freedom of Information Act 2000.

Request 1

Can you tell me how many police officers have been disciplined each year for the past five please?

Request for Clarification

Does this relate to formal sanctions only e.g. at misconduct hearing level, or does it also include informal sanctions such as Advice & Guidance.

Clarification

Formal sanctions only please

Request 2

How many officers have been sacked each year for the past five?

Request 3

How many have been suspended for a period each year for the past five please?

Request 4

How many cases was action taken with and without involvement of the Police Ombudsman?

Clarification sent to you the requester:

Request 1

Does this relate to formal sanctions only e.g. at misconduct hearing level, or does it also include informal sanctions such as Advice & Guidance.

Request 4

Do you wish the number of cases which have been formally investigated by PSNI and the Police Ombudsman, or the number of cases where misconduct action (as defined in question 1) has been taken by both PSNI and PONI?

Clarification received from you the requester:

Request 1

Formal sanctions only please.

Request 4

Can you give me numbers of cases formally investigated by PSNI and PO and the number of each in which misconduct action was taken, and what that was please?

Section 17(5) of the Freedom of Information Act 2000 requires the Police Service of Northern Ireland, when refusing to provide such information (because the cost of compliance exceeds the appropriate limit) to provide you the applicant with a notice which states that fact.

It is estimated that the cost of complying with your request for information would exceed the "appropriate costs limit" under Section 12(1) of the Freedom of Information Act 2000. Section 12 of FOIA allows a public authority to refuse to deal with a request where it estimates that it would exceed the appropriate limit to either comply with the request in its entirety or confirm or deny whether the requested information is held. The estimate must be reasonable in the circumstances of the case. The 'appropriate limit' is currently £600 for central government and £450 for all other public authorities including PSNI. The relevant Regulations which define the appropriate limit for section 12 purposes are The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulation 2004 SI 2004 No 3244. These are known as the 'Fees Regulations' for brevity.

Regulation 4(3) of the Fees Regulations states that a public authority can take into account the costs it reasonably expects to incur in carrying out the following permitted activities in complying with the request:

- (i) determining whether the information is held;
- (ii) locating the information, or a document containing it;
- (iii) retrieving the information, or a document containing it; and
- (iv) extracting the information from a document containing it.

Under those regulations PSNI can calculate the time spent on each of these permitted activities at £25 per hour (thus if the activity(s) takes more than 18 hours PSNI will be in excess of the 'appropriate limit').

To respond to request 4 of your request (as clarified) would place this request over the FOI legislative cost of 18 hours. To provide the requested details of cases which the Police Ombudsman has formally investigated over this period would require a check of all complaints which have seen an OMB3 served on an officer. There are on average a total of 1300 complaints per year have resulted in an OMB3 being served on an officer. For the requested period of 5 years this would require at least a cursory check of a total of 6500 cases, with some cases requiring more detailed research across several spreadsheets and data systems. Based on a conservative estimate of 2 minutes research per case for request 4 alone would require over 200 hours work, which is well in excess of the FOI legislative cost of 18 hours.

In accordance with the Freedom of Information Act 2000, this letter should be considered as a Refusal Notice, and the request has therefore been closed.

You may wish to submit a refined request in order that the cost of complying with your request may be facilitated within the 'appropriate limit'. In compliance with Section 16 of the Act, I have considered how your request may be refined to bring it under the appropriate limit and it may be possible for Professional Standards, Innovation & Standards Department, to provide a response to request numbers 1 to 3 of your request, however submission of a refined request would be treated as a new request, and considered in accordance with the Freedom of Information Act 2000, including consideration of relevant Part II exemptions.

This response has been provided by Professional Standards, Innovation & Standards Department.

If you have any queries regarding your request or the decision please do not hesitate to contact me on 028 9070 0164. When contacting the Freedom of Information Team, please quote the reference number listed at the beginning of this letter.

If you are dissatisfied in any way with the handling of your request, you have the right to request a review. You should do this as soon as possible or in any case within two months of the date of issue of this letter. In the event that you require a review to be undertaken, you can do so by writing to the Head of Freedom of Information, PSNI Headquarters, 65 Knock Road, Belfast, BT5 6LE or by emailing foi@psni.pnn.police.uk.

If following an internal review, carried out by an independent decision maker, you were to remain dissatisfied in any way with the handling of the request you may make a complaint, under Section 50 of the Freedom of Information Act, to the Information Commissioner's Office and ask that they investigate whether the PSNI has complied with the terms of the Freedom of Information Act. You can write to the Information Commissioner at Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. In most circumstances the Information Commissioner will not investigate a complaint unless an internal review procedure has been carried out, however the Commissioner has the option to investigate the matter at his discretion.

Please be advised that PSNI replies under Freedom of Information may be released into the public domain via our website @ www.psnipolice.uk

Personal details in respect of your request have, where applicable, been removed to protect confidentiality.